

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Criminal No. 07-224 (1) (RHK/FLN)

Plaintiff,

ORDER

v.

David C. Von,

Defendant.

Before the Court are Defendant's Objections to the September 12, 2007 Report and Recommendation of Magistrate Judge Franklin L. Noel. Judge Noel has recommended that Defendant's Motion for Discovery, an Evidentiary Hearing and Dismissal be denied.

This Court has conducted a de novo review of Judge Noel's recommended disposition, including a review of the transcript of the August 21, 2007 evidentiary hearing with respect to Defendant's Motion. That review, as well as the memoranda submitted by parties, satisfies this Court that Judge Noel's recommended disposition, and his reasons therefor, are fully supported by the factual record before him, and controlling legal principles.

Accordingly, and upon all the files, records and proceedings herein, **IT IS**

ORDERED:

1. The Report and Recommendation (Doc. No. 32) is **ADOPTED**;

2. The Objections (Doc. No. 34) are **OVERRULED**; and
3. Defendant's Motion for Discovery, an Evidentiary Hearing and Dismissal (Doc. No. 21) is **DENIED** insofar as it seeks dismissal of the indictment.

Dated: November 6, 2007

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge